



## CHAPTER 4

# Technical Assistance and Consultation

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Technical assistance means providing information to contractors with the goal of increasing competence or capacity in a particular area or reducing the probability of a performance error. Technical assistance should be ongoing and proactive, but does not mean the state agency is responsible for teaching a contractor how to operate a business. Inherent in entering into a contract is the assumption that the contractor is competent and capable of performing all of the duties specified in the contract.

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### 4.1 Purpose

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The purpose of technical assistance is to:

- Enable contractors to provide better services to clients;
- Increase contractors' level of confidence in their ability to comply with contract terms and conditions; and
- Enhance the cost effectiveness of the relationship between the state agency and the contractor.

Technical assistance aids in meeting program objectives by offering the opportunity to:

- Increase interaction and communication between contract managers and contractors;
- Offer instruction relative to specific technical aspects of the contract and program; and
- Reduce the risk of performance errors.

Performance errors can range from the failure to correctly submit billings to the untimely performance of program related activities. A pre-contracting risk assessment will identify areas of potential performance mistakes or issues. While some performance mistakes or issues may be perceived as having greater significance than others, all such factors can serve to disrupt the contractual agreement and program delivery.

The need for technical assistance may be indicated when:

- Contractors ask repetitive questions on the same subject;
- There are recurring issues pertaining to contract terms and conditions;
- There is personnel turnover; and
- There are new requirements tied to specific funds.

Indicators may surface from:

- Risk assessment;
- Contract monitoring activity;
- Audits;
- Contractor's self-assessment; and
- Citizen or client observations.

When potential problem areas of a contractor are identified, the contract manager should decide on the type and amount of technical assistance needed to resolve the issues. Contract managers should also document these potential problem areas and any technical assistance provided to the contractor.

Be aware that providing technical assistance is not controlling the day-to-day activities of a contractor. If an agency exercises control, the contractor may be able to allege that non-performance problems were the result of agency control.

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## **4.2 Technical Assistance Activities**

Technical assistance can be delivered in many forms with varying levels of involvement by the contracting agency. A contract manager might:

- Provide guidance to the contractor to remedy the identified area of concern;
- Provide formal or informal training assistance for a single entity or multiple entities;
- Refer the contractor to another organization that has overcome a similar problem and can serve as a model; Request that other organizations (private foundations, other contracting agencies) provide assistance as needed; or
- Contract with an outside organization to provide technical assistance to the contractor.

The following situations may warrant the need for heightened technical assistance:

- ✓ A first time contractor with a state agency.
- ✓ A very small entity with little experience with federal and state requirements.
- ✓ A contractor providing new services it has never before offered.
- ✓ A contractor struggling with program or business management.

If issues continue, contract managers may want to consider whether monitoring of the contractor should be increased.